



Society of Construction Law Equality and Diversity Policy

1. The Society of Construction Law (“the Society”) is committed to encouraging equality and diversity among our membership and eliminating unlawful discrimination from all of the Society’s activities.
2. The Society aims to ensure that all Members are respected and equally able to access all events, activities and membership services regardless of personal and protected characteristics.
3. The Society requires all Members to agree to follow and be bound by this Equality and Diversity Policy and the Society’s Complaints Procedure, which includes a process for handling any complaints of discrimination, harassment or other matters arising in connection with equality and diversity.
4. The purpose of this Equality and Diversity Policy is to:
 - a. Ensure that Members and those we work with are aware of the Society’s commitment to equality and diversity;
 - b. Ensure that Members are treated with respect, equality and fairness in all the Society’s activities regardless of their protected characteristics as defined by the Equality Act 2010, namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex (gender) and sexual orientation;
 - c. Ensure that all of the Society’s meetings, events and activities are free from any form of unlawful discrimination including unlawful harassment or victimisation;
 - d. Encourage and promote equality and diversity in all of the Society’s activities;
 - e. Ensure that selection for the Society’s Council is open to all Members and that selection processes for Council and posts on Council are free of all forms of unlawful discrimination;
 - f. Create an environment for Members which is free from bullying, harassment, victimisation and unlawful discrimination, and which promotes dignity and respect for all;
 - g. Ensure that the Society makes any adjustment for disability which it is reasonable to make to ensure equality of access for existing Members or prospective Members.
5. The Society will make all reasonable efforts to:
 - a. Take seriously complaints of bullying, harassment, victimisation and unlawful discrimination by Members, customers, suppliers, visitors, the public and any others in the course of the Society’s activities;
 - b. Deal with any such complaints under the Society’s Complaints Procedure;
 - c. Monitor the make-up of the membership and the membership of Council and sub-committees with reference to age, gender, ethnic background, and disability in order to encourage equality and diversity, and to meet the aims and commitments set out in this policy;

- d. Assess and review annually any information from the monitoring of how this policy is working in practice and will consider taking action to address any issues which may be highlighted.
6. The Society's Equality and Diversity Sub-Committee will have responsibility for the effective implementation of this policy and will report to Council at least annually.
7. In order to implement this policy the Society will:
 - a. Communicate the policy to all Members, applicants for membership, representatives of the Society (including the President, Council, regional representatives and Astra representatives), venues, speakers, other associated societies (including other societies of construction law located outside the UK and Republic of Ireland) and any other individuals, firms or companies with whom the Society may associate;
 - b. Publicise the policy on our website and in our written and electronic materials;
 - c. Require Members to agree to abide by and be bound by the policy;
 - d. Incorporate equal opportunity information into general communications;
 - e. Ensure that adequate resources are made available to fulfil the objectives of this policy.

Conduct and general standards of behaviour

8. All Members and their guests are expected to conduct themselves in a professional, considerate and non-discriminatory manner at all times.
9. The Society will not tolerate behaviour such as:
 - a. Harassment;
 - b. Sexual harassment;
 - c. Making threats;
 - d. Physical violence;
 - e. Shouting at others;
 - f. Swearing at others;
 - g. Persistent rudeness;
 - h. Isolating, ignoring or refusing to work with certain people;
 - i. Telling offensive jokes or name calling;
 - j. Displaying offensive material or the distribution of such material via email, text message or any other format;
 - k. Any other forms of harassment or victimisation.
10. The above list is non-exhaustive, but gives examples of behaviour likely to be considered to be unacceptable conduct and which could lead to termination of membership.

Appendix One

Overview of Equality Act 2010 provisions which apply to the Society

1. The Society is subject to Part 7 of the Equality Act 2010 as it is a society or association which has more than 25 members and which places some restrictions on its membership.
2. Part 7 of the Equality Act 2010 prohibits both direct and indirect discrimination; harassment and victimisation by associations.
3. Part 7 does not apply to the protected characteristic of marriage and civil partnership. This means that discrimination on grounds of a person's marital status or civil partnership would not be unlawful discrimination.

Prohibited characteristics

4. The Equality Act 2010 prohibits direct discrimination, indirect discrimination, harassment or victimisation on the grounds of any of the protected characteristics and also provides for reasonable adjustments to be made for people who are disabled and prohibits discrimination for a reason arising from a disability.
5. The nine protected characteristics are: race; gender; disability; sexuality; religion or belief; pregnancy and maternity; marital status; gender reassignment; and age (for societies covered by Part 7 marital status and civil partnership do not apply).
6. Unlawful direct discrimination arises where a person is treated less favourably than another is treated, or would be treated on the grounds of a protected characteristic.
7. Unlawful indirect discrimination occurs when a policy, criteria or practice ("PCP") of an organisation is applied to all equally, but has a significant adverse impact on those who share a protected characteristic, and a person who shares that characteristic also suffers the adverse impact. It will not be unlawful if the organisation can show that the PCP is a proportionate means of achieving a legitimate aim.
8. The duty to make reasonable adjustments arises where a PCP of an organisation or a physical feature of a building or premises places a disabled person at a substantial disadvantage compared to a person who does not have the disability. The duty also arises where there is a need for an auxiliary aid or equipment, in which case the duty is to consider providing the aid.
9. If there is an adjustment which it would be reasonable for the Society to make, then the adjustment must be made. In considering whether or not an adjustment is reasonable, factors such as whether the adjustment would remove or reduce the disadvantage or not and the cost of the adjustment given the resources of the organisation will be relevant.

Discrimination for something arising in consequence of their disability

10. Unfavourable treatment by a person because of something arising in consequence of their disability will be unlawful if the person or organisation knew or could reasonably have been expected to know of the person's disability and the treatment cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment

11. Unlawful harassment arises when one person subjects another to unwanted conduct related to a protected characteristic which has the purpose or effect of either:
 - a. Violating the other person's dignity, or

- b. Creating an intimidating, hostile, degrading, humiliating or offensive environment for that other person.
12. Unlawful sexual harassment occurs in two ways. Firstly where a person engages in unwanted conduct of a sexual nature which has the purpose or effect set out above in 11(a) or (b), and secondly where a person engages in unwanted conduct that is related to gender reassignment or sex, the conduct has the purpose or effect set out above and where, because of a person's rejection of, or submission to, the conduct they are treated less favourably than if they had not rejected or submitted to the conduct.
 13. Whilst sexual harassment is most commonly experienced by and complained of by women, the provisions apply equally to men and women, whether gay, straight or bisexual and to those who are transgender.
 14. Any unwanted conduct which has either the purpose or effect of violating the dignity of the other person, or the purpose or effect of creating an environment which is intimidating, hostile, degrading, humiliating or offensive is capable of being harassment.
 15. Harassment can arise from one comment or a combination of acts or several types of conduct. It can continue over a long or short period of time.

Victimisation

16. A person victimises another if they subject that other person to a detriment because that other person has done something which is protected under the Equality Act 2010. The acts which are protected are:
 - a. Bringing proceedings under the Equality Act 2010;
 - b. Giving evidence or information in connection with proceedings under the Equality Act 2010;
 - c. Doing any other thing for the purposes of or in connection with the Equality Act 2010;
 - d. Making an allegation that another person has contravened the Equality Act 2010.

Responsibilities for the actions of third parties

17. The Equality Act 2010 does not place any legal duties on organisations or societies such as the Society for the discriminatory actions of third parties. Whilst this means that the Society has no legal duty to Members who are discriminated against or harassed by third parties, the Society takes all types of discrimination against our Members very seriously and in the event of such discrimination being proven may consider taking steps or imposing sanctions.
18. Third parties in the context of the Society will include, but not be limited to, invited speakers and anyone who the Society works with. It also includes actions of Members even when they are not acting for or on behalf of the Society.